THE
Dan Smoot Report

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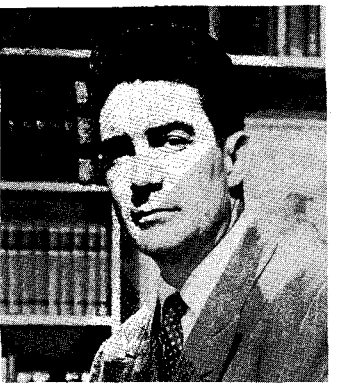

DAN SMOOT

CIVIL RIGHTS OR CIVIL WAR?

During the month of January and the first two weeks of February, 1965, a group of out-of-State lawyers, calling themselves a deposition caravan, worked openly in Mississippi on a program originally launched by Joseph Stalin at the Sixth World Congress of the Communist International, in Moscow, 1928.

The immediate objective of the deposition caravan was to unseat the Mississippi delegation in Congress — to replace lawfully-elected Representatives with non-elected persons approved by communist agitators. The long-range communist aim is to foment racial civil war which will cause enough bloodshed and violence to dismember the American Union and enable communists to establish a Soviet dictatorship.

The deposition caravan, claiming to be working for negro civil rights, had enthusiastic support from many members of the United States Congress, and from other prominent people throughout the nation. Generally, the press was either silent about what was happening, or presented distorted reports which helped the communist cause.

It is a frightening story which can be understood only against the backdrop of history.

In 1921, the Communist International at Moscow instructed American communists "to organize and lead the Negro masses." In 1928, Joseph Stalin gave specific directions: the communist goal was to confiscate the property of all whites in the "black-belt" region of the American southern States, detach the region from the Union, and establish it as a negro Soviet Republic. This communist objective has never been altered. It was laid aside in 1941 when nazi armies invaded the Soviet Union, and held in abeyance until 1946. Since then, tactics have been more subtle than before World War II; slogans have changed; and more well-intentioned non-communists (especially clergymen and college students) have been duped into doing the party's racial-agitation work; but the goal has remained fixed: bloody race war in the United States.

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In 1928, when Stalin dictated this long-range program, Benjamin Gitlow was head of the U. S. communist party. Stalin's new program frightened him. He was later expelled from the party for disobeying orders. Since then, he has made a considerable contribution toward exposing the communist conspiracy in the United States. Here are exerpts from a Benjamin Gitlow article inserted in the *Congressional Record* on August 7, 1963 (pages 13665-7, daily edition):

"Communists and their supporters . . . . intend to arouse to a fever heat the nationalist and chauvinist sentiments now finding expression in segments of the Negro population, into a drive for separation of the Negroes from the whites through the establishment of an independent Negro republic in the United States . . . .

"The communists are deliberately maneuvering among the American Negroes to create a situation for the outbreak of racial violence, to such an extent that it can be turned into a civil war — a civil war on a racial basis . . . . In such a civil war, should they succeed in fomenting it, the communists hope to so undermine the American government and our social structure that they can take over power. In the racial civil war they envisage, they are sure Negroes will be in the front ranks, the shock troops of the communist revolution . . . .

"Until recently, the Communist policy . . . has been to soft pedal their demand for . . . a Negro . . . separationist movement . . . to oust the whites from the South, expropriate their lands and property, and establish a Negro Republic under communist hegemony . . . . [But now] the slogan of self-determination for the Negro . . . is in the forefront of the American Communist Party's general program . . . .

"The communists . . . . know where they are going and they are hell bent on getting there, even if they have to drown the American Negroes in their own blood to get the power they covet."

The so-called civil-rights movement in the United States is a communist creation, and has been largely manipulated by communists since it was created.[1]

The National Association for the Advancement of Colored People (NAACP) is the primary civil-rights group — connected with others through interlocking directorates. The NAACP was founded in 1909. Its first five top officials were well-known socialists — one of whom (W. E. B. DuBois) later became a militant communist. In 1936, communists began infiltrating the NAACP. By 1956, at least 77 top NAACP officials were known to federal agencies as participants in communist or pro-communist activities.[1]

The Southern Conference Educational Fund, a powerful civil-rights organization, has helped finance and establish several other groups. The Joint Legislative Committee on Un-American Activities of the State of Louisiana revealed (in a report published April 13, 1964) that the SCEF is controlled and managed by communists.[1]

The Student Nonviolent Coordinating Committee (which has incited much racial violence, particularly among college students) is "substantially under the influence of the Communist Party," according to the Louisiana Joint Legislative Committee.[1]

The Committee reported that Martin Luther King's Southern Christian Leadership Conference is also "substantially under the control of the Communist Party." King (foremost personality in the civil-rights movement) is notorious for his association with communists, communist-fronters, communist organizations, and moral degenerates connected with communist causes.[1]

The Congress of Racial Equality (CORE) has, perhaps, directly instigated more racial violence and civil disobedience than any other civil-rights group. On May 25, 1961, U. S. Senator James O. Eastland (Mississippi Democrat, Chairman of the Internal Security Subcommittee) reported:

"From investigation and examination of the facts and records, there can be little doubt, in my judgment, but that this group [CORE] is an arm of the Communist conspiracy. They are agents of worldwide communism."[1]

The National Council of Churches has become a militant racial-agitation group. At least 658 officials of the NCC have communist-front records — according to a 310-page book (listing names and records) published by Circuit Riders, Inc.,

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110 Government Place, Cincinnati 2, Ohio ($4.00).

The American Civil Liberties Union (very influential in the civil-rights movement) was founded by communists and socialists. At least nine prominent officials of ACLU have been linked with communist fronts or with communist activities.[1, 2]

At least four officials of the National Urban League (oldest civil-rights group) have communist-front records.[1]

The American Jewish Congress is militantly active in the civil-rights movement. Rabbi Stephen Wise (head of the AJC for years) was associated with about 40 communist fronts. Israel Goldstein (who succeeded Wise as head of the AJC); Rabbi Joachim Prinz (present head of the AJC); and Will Maslow (present executive director of the AJC) — all have communist-front records.[1]

President Dwight D. Eisenhower sent the 101st Airborne Division to Little Rock in 1957. He violated federal law and the Constitution, but apparently believed he was properly enforcing a "law of the land," concerning school integration — though no such law existed. Similarly, President John F. Kennedy sent 20,000 troops, 700 U. S. Marshals, and scores of special agents into Mississippi in 1962, to enforce an illegal order by one Supreme Court Justice, concerning the enrollment of one NAACP-sponsored negro in a State University.[3] There was a comparable invasion of the State of Alabama in 1963. In 1965, President Johnson is pushing a drive to remove immigration barriers. This would admit, among others, hordes of Africans, who would quickly and inevitably intensify racial tensions. These events are part of the harvest we are reaping from seeds of destruction which communist-directed racial agitators have been planting for a generation.

It is deeply disturbing to watch the communist plot unfold. Most prominent actors in the plot seem unaware that their actions are related to communist purposes. The press (revealing superficial insight, or none, into what is happening) generally reports racial controversies as struggles for justice, thus concealing communist machinations and purpose. The public is quite unprepared to believe that a machiavellian conspiracy to incite civil war has any connection with the actions and policies of our Presidents, or connection with northern and western college students on a summer project of voter registration in the South, or with a group of out-of-State lawyers taking depositions in Mississippi.

To relate and document the entire story of what communists intend to do, and what they have already accomplished, would require volumes. We can get an inkling by examining the background and conduct of the recent Mississippi operation — which fits into the general communist plan for conquest of the United States.

On June 23, 1963, *The Worker* (official newspaper of the communist party) presented a policy statement written by Benjamin Davis (negro, second highest official of the U. S. communist party). Davis demanded that the federal government declare State governments in the South illegal and then conduct federally-supervised elections to install new governments (as was done after the Civil War).

Note that this communist demand for overthrow of lawful State governments in the South (the first region which communists want to detach from the American Union and establish as a Soviet satellite) was made in June, 1963.

On December 6, 1963, John Lewis (negro, head of the Student Nonviolent Coordinating Committee) announced the SNCC's Mississippi Summer Project for 1964: college students would be sent to arouse hundreds of thousands of Mississippi negroes to register for voting. Lewis said this activity would precipitate in Mississippi a crisis of such magnitude that *"the Federal Government will have to take over the State."*[4]

Early in 1964, the Student Nonviolent Coordinating Committee distributed a pamphlet explain-

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ing its Mississippi Summer Project, and pleading for contributions of money. Here are excerpts:

"Although the Student Nonviolent Coordinating Committee has active projects in thirteen Southern States . . . . Mississippi has become the main target of SNCC's staff and resources . . . .

"This summer, SNCC, in cooperation with COFO [Council of Federated Organizations], is launching a massive Peace Corps-type operation in Mississippi . . . .

"A large number of law students will come to Mississippi to launch a massive legal offensive against the official tyranny of the state. The time has come to challenge every Mississippi law which deprives Negroes of their rights, and to bring suit against every state and local official who commits crimes in the name of his office . . . .

"The struggle for freedom in Mississippi can only be won by a combination of action within the state and a heightened awareness throughout the country of the need for massive federal intervention to ensure the voting rights of Negroes. This summer's program will work toward both objectives."

On May 20, 1964, the Council of Federated Organizations (COFO — which coordinates the activities of such organizations as NAACP, CORE, SNCC, and Martin Luther King's SCLC) made an announcement concerning the impending Mississippi Summer Project. COFO said it would stress voters' rights throughout the South, but especially in Mississippi, *to demonstrate the need for federal intervention.*[5]

On that same day — May 20, 1964 — Leo Pfeffer (general counsel of the American Jewish Congress) announced in New York that religious and civil-rights organizations had arranged for 60 volunteer lawyers to spend at least two weeks without pay in southern States during the summer of 1964, to defend demonstrators who might be charged with violations of local and State laws. Organizations named as participants with the AJC in this project were the National Council of Churches, the Congress of Racial Equality, the National Association for the Advancement of Colored People, the American Civil Liberties Union, the American Jewish Committee, and the Student Nonviolent Coordinating Committee.[6]

Early in June, 1964, it was announced that more than 1000 students from the North and West had been recruited to participate in the Mississippi Summer Project — with the specific assignment to register negroes for voting. The Council of Federated Organizations (COFO) was to be responsible for co-ordinating activities of all groups involved in the project.[7]

On June 26, 1964, the NAACP's board of directors demanded that the federal government take control of the State of Mississippi[8] — one year and three days after communist official Benjamin Davis had demanded federal occupation of *all* southern States.

1964 Political Action

In May, 1964, CORE and COFO held a meeting in Jackson, Mississippi, to organize the participation of negroes (as candidates) in the forthcoming Democrat Party primary elections. Only 55 persons attended, most of them from out of State.[9] Nonetheless, four negroes did get on the ballot as candidates for federal office in the June, 1964, Democrat Party primaries in Mississippi:

(1) Mrs. Fannie Lou Hamer ran for nomination as Democrat Party candidate for the U. S. House of Representatives from the second congressional district; but the incumbent Democrat, Jamie Whitten, defeated her by a vote of 35,218 to 621.

(2) J. M. Houston ran against the Democrat incumbent (John Bell Williams) in the third congressional district, and was defeated by a vote of 37,701 to 1259.

(3) In the fifth congressional district, a negro (John Cameron) and two whites ran against U. S. Representative William M. Colmer. Colmer won with 30,398 votes. The negro received 883 votes.

(4) Mrs. Victoria Jackson Gray ran against U. S. Senator John Stennis, and was defeated by a vote of 173,764 to 4703.[10]

Having signally failed in their efforts to direct negro participation in the Democrat Party pri-

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maries, racial-agitation groups in Mississippi formed their own party — the Freedom Democratic Party. Later, a Mississippi Court ordered deletion of the word *Democratic*. In Mississippi, the group is now called Freedom Party; but, in its national propaganda, it still calls itself Freedom Democratic Party.

On August 1, 1964, the Freedom Party held conventions in 40 of the 82 counties in Mississippi. It held a State convention on August 6. Out-of-State persons were in control of all the conventions. The Freedom Party did not hold primary elections and was not on the official ballot for the 1964 general elections.[9] Instead of participating legally in the general elections, the Party staged a four-day mock election, keeping its "polls" open continuously, 24 hours a day, Friday, Saturday, Sunday, and Monday, October 30 through November 2, 1964.

In the November 3, 1964, general elections, qualified voters of Mississippi elected four Democrats and one Republican as U. S. Representatives from the State's five congressional districts: Thomas G. Abernethy, John Bell Williams, William M. Colmer, Jamie Whitten, and Prentiss Walker (the Republican).

On December 4, 1964, William M. Kunstler, counsel for the Freedom Party, announced that his party considered the elections invalid, and would challenge the seating of the entire Mississippi delegation. Saying the Constitution provides for election of U. S. Representatives by "all the people" (which is not accurate), he alleged that the Democrat Party in Mississippi violated the Constitution, because only 5.7 per cent of Mississippi's negroes were registered to vote in 1964. He also alleged that Mississippi's literacy test for voters (stipulated in the State Constitution adopted in 1890) violates the terms under which Mississippi was "readmitted" to the Union in 1870.[11]

Kunstler asserted that Freedom Party candidates (in the four-day mock election) legally won three of Mississippi's seats in the national Congress.[11]

Contest and Caravan

When the U. S. House of Representatives convened on January 4, 1965, Representative William Fitts Ryan (New York Democrat), supported by liberals from various other States, objected to the swearing in of five Representatives from Mississippi — on grounds that their elections had been challenged by the Freedom Party. House Majority Leader Carl Albert (Oklahoma Democrat) introduced a Resolution authorizing the Speaker to administer the oath of office to the five Mississippi Representatives. By a vote of 276 to 149, the House supported Albert. The Mississippi delegation was sworn in and seated.[12]

That did not end the matter, however, because the Freedom Party had filed formal Notices of Contest, demanding:

(1) that three negro women (Mrs. Anne Devine, Mrs. Fannie Lou Hamer, and Mrs. Victoria Jackson Gray) be seated in the House to replace U. S. Representatives Prentiss Walker, Jamie L. Whitten, and William M. Colmer;

(2) that the elections of U. S. Representatives John Bell Williams and Thomas G. Abernethy be declared illegal, and their seats in Congress be vacant until new elections are held.

The Freedom Party's Notices of Contest did not allege that the Mississippi Representatives had acted unethically, violated any law, or failed to meet provisions of law. They alleged only that the elections were invalid because not enough negroes were registered to vote.[11,13]

Here, in brief, are rules governing the contesting of elections to the House of Representatives:

1. Notice of Contest must be given within 30 days after official canvass.

2. Reply by the Member whose election is contested must be within 30 days after Notice of Contest.

3. Testimony must be taken within 90 days following the reply by the Member. This shall be divided into three periods:

a. 40 days in behalf of contestant

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b. 40 days in behalf of Member

c. 10 days for rebuttal by contestant.

4. Testimony may be taken at two or more places, but both sides must be given an opportunity to be represented. Names of witnesses must be given in advance so that the opposite side may be prepared to cross-examine.[14]

Lawyers for the Freedom Party found in an old federal law (enacted in 1851) a weapon to serve their ends. The 1851 law provides that anyone contesting an election can obtain subpoenas and compel witnesses to appear for testimony.

The subpoenas can be issued by any notary public, mayor, or judge of a court of record, anywhere in the United States. Any person failing to obey a contestant's subpoena to appear and give testimony can be fined $20.00 (which is given to the contestant) and imprisoned for misdemeanor.[15]

Contestant's lawyers can hold hearings to take testimony or depositions at any time, anywhere in the United States, provided only that the person whose election is being contested be given notice 24 hours in advance.[15]

Rules for conducting the hearings are vague, and judicial procedures are not prescribed. Hence, attorneys taking testimony can operate not only as partisan lawyers but also as presiding officers, conducting hearings as they please.[14,15]

By mid-January, 1965, approximately 200 out-of-State lawyers were in Mississippi,[16] armed with subpoenas, holding hearings, taking depositions and testimony in behalf of the Freedom Party. Officials of the State of Mississippi were forced to attend hearings (which, according to one Associated Press writer, were conducted "like a baseball game without a referee")[17] and to answer, under oath, insulting questions propounded by hostile lawyers from New York, Massachusetts, California, and elsewhere.

An unknown number of lawyers representing the Freedom Party held hearings outside Mississippi. In Berkeley, California, they took testimony from students who had participated in the Mississippi Summer Project of 1964 (many of whom also participated in the communist-incited student riots at Berkeley later in 1964). At Yale, they took testimony from psychiatrists about the general mental condition of Mississippi citizens. They held hearings in Boston, New York City, Philadelphia, Detroit, Washington, Newark, Buffalo, San Francisco — in cities throughout the United States where they could find "students" or "experts" who claimed to have derogatory information about conditions in Mississippi.

The five U. S. Representatives from Mississippi did not have enough time, money, or voluntary help from able lawyers to meet the challenge. When given 24-hour notice of hearings to be held in a dozen distant places, from San Francisco to Boston, they were unable to attend or send legal representatives. Hence, testimony taken was hostile to them, and went into the record unchallenged. It was even difficult for them to have lawyers present at all hearings held in Mississippi, impossible for them to make adequate preparation for hearings in which they could participate.

Senator James O. Eastland says that most of the deposition-caravan of lawyers who invaded Mississippi in January and February are either communists or have records of association with communists, communist activities, communist fronts.[9] Note some examples.

Morton Stavis of Newark, New Jersey, headed the deposition caravan. Stavis was known to be a communist party member in 1945 and 1946. From 1954 to 1962, he was on the executive board of the National Lawyers Guild,[9] cited by the U. S. House Committee on Un-American Activities as the "foremost legal bulwark of the Communist Party."[18] From 1955 to 1964, Stavis was a member of the national council of the Emergency Civil Liberties Committee, a communist front.[9]

Ephraim Gross of New York; Benjamin B. Dreyfus and Edward Stern of San Francisco; Jack Berman of Los Angeles — all were leaders in the deposition caravan; all have had connections with

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communist activities. The same can be said about the three general attorneys for the Freedom Party: William M. Kunstler and Arthur Kinoy of New York City, and Benjamin E. Smith of New Orleans.[9]

What To Do

Under House rules, Freedom Party representatives had to submit their evidence to the House by February 13, 1965. The Mississippi Representatives have 40 days for reply. The Freedom Party will then have ten days to submit rebuttal. Following that, the House will examine all evidence and reach a decision.

While the deposition caravan was operating, the five U. S. Representatives from Mississippi desparately needed volunteer help from able lawyers. They may still need it. Lawyers who would like to help should get in touch with U. S. Representative Thomas G. Abernethy, House Office Building, Washington, D. C.

Others could help by getting this *Report* into the hands of as many people as possible.

An attack on the State of Alabama is also under way. On January 15, 1965, the U. S. Department of Justice filed suit against Alabama, claiming that the State's literacy test for voters discriminates against negroes.[19]

This official action in Washington was apparently coordinated with Martin Luther King's agitation activities in Selma. About the same time the suit was filed in Washington, King had letters printed in Alabama, showing his address as the county jail in Selma. The letters were dated February 1 — the day King insisted on being arrested in Selma for defiant violation of local law.[20]

King could have been released on bond any time he pleased. He chose to stay in jail five days. He held a press conference when he left, saying he was going to ask President Johnson for new civil-rights legislation, especially federal voter-registration laws. President Johnson saw King, and promised to support the legislation King wants.[21]

The Alabama operation is different from that in Mississippi, but the communist goal is the same.

Conservatives in Alabama and Mississippi are fighting for the survival of our Republic. The rest of the country ought to know about it, and join the fight. People in all States can help, by keeping maximum pressure on Congress, not merely to reject Martin Luther King's proposals for new federal voter-registration laws, but to stop all federal intervention in the internal affairs of the States.

WHO IS DAN SMOOT?

Born in Missouri, reared in Texas, Dan Smoot went to SMU getting BA and MA degrees, 1938 and 1940. In 1941, he joined the faculty at Harvard as a Teaching Fellow, doing graduate work for a doctorate in American civilization. From 1942 to 1951, he was an FBI agent: three and a half years on communist investigations; two years on FBI headquarters staff; almost four years on general FBI cases in various places. He resigned from the FBI and, from 1951 to 1955, was commentator on national radio and television programs, giving *both* sides of controversial issues. In July, 1955, he started his present profit-supported, free-enterprise business: publishing *The Dan Smoot Report,* a weekly magazine available by subscription; and producing a weekly news-analysis radio and television broadcast, available for sponsorship by reputable business firms, as an advertising vehicle. The *Report* and broadcast give *one* side of important issues: the side that presents documented truth using the American Constitution as a yardstick. If you think Smoot's materials are effective against socialism and communism, you can help immensely—help get subcribers for the *Report,* commercial sponsors for the broadcast.

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FOOTNOTES

(1) For detailed information on these organizations and communist influence in the civil rights movement, see this *Report*, "Communism In The Civil Rights Movement," June 1, 1964.

(2) For more detailed information on the ACLU, see this *Report*, "The American Civil Liberties Union," July 27, 1964.

(3) For information on the Oxford, Mississippi crisis of 1962, see this *Report*, "The Mississippi Tragedy," October 8, 1962, and "The Wages of Socialism," October 15, 1962.

(4) "On 2 Fronts: Militant Plan To Create Crisis In Mississippi," by Bob Robertson, *The San Francisco Chronicle*, December 7, 1963, p. 4

(5) AP dispatch from Jackson, Mississippi, *The Dallas Times Herald*, May 20, 1964, p. 24A

(6) Article by M. S. Handler, *The New York Times*, May 21, 1964, p. 26; AP dispatch from New York, *The Dallas Morning News*, May 21, 1964, Sec. 1, p. 12

(7) "Freedom Push in Mississippi," by James Foreman, *The Los Angeles Times*, June 14, 1964, p. 3G

(8) AP dispatch from Washington, *The Mobile Register*, June 27, 1964, p. 8B

(9) "Communist Forces Behind Negro Revolt In This Country," by U. S. Senator James O. Eastland, including information from the House Committee on Un-American Activities, East Coast and West Coast newspapers, *Congressional Record*, February 3, 1965, pp. 1908-18 (daily)

(10) *Official Vote Tabulation, State of Mississippi, First Democratic Primary Returns of June 2*, 1964, 4 pp.

(11) *Congressional Quarterly Weekly Report*, January 1, 1965, pp. 4, 15

(12) *Congressional Quarterly Weekly Report*, January 8, 1965, pp. 30-1

(13) "Lawyers, Mixed Group Are In Clash In City, Admit Congressmen Met All Requirement," by William L. Chaze, *The Jackson Clarion-Ledger*, January 30, 1965, pp. 1, 8

(14) *Laws And Committee Rules Governing Contested-Election Cases In The House of Representatives*, U. S. Government Printing Office, 1950, 9 pp.

(15) "Seating Challenge Weapon Is Century-Old U. S. Statute," *The Commercial Appeal, Memphis, Tenn.*, February 2, 1965, p. 9

(16) "Moscone, Francois On Dixie Task Force," by Luther Meyer, *San Francisco Call Bulletin*, January 14, 1965, p. 16

(17) AP article by James Aggus, *Jackson Daily News*, February 1, 1965, p. 9

(18) *Guide To Subversive Organizations And Publications*, House Document No. 398, U. S. Government Printing Office, 1962, p. 121

(19) *Congressional Quarterly Weekly Report*, February 5, 1965, pp. 183-209

(20) Speech by U. S. Representative William L. Dickinson (Rep., Ala.), *Congressional Record*, February 4, 1965, pp. 1996-7 (daily)

(21) UPI dispatch from Washington, *The New York Times*, February 10, 1965, p. 18

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